

55 MMC

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**Name Anderson, Benjamin**FILED**

(Last)

(First)

(Initial)

JUL - 3 2008

Prisoner Number K91382RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAInstitutional Address Correctional Training Facility  
P.O.Box 689, Soledad, Calif. 93960UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIABenjamin Anderson

(Enter the full name of plaintiff in this action.)

vs.

CV

Case No.  
(To be provided by the clerk of court)

08 3204

James E. Tilton, Secretary(CDCR)COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
42 U.S.C §§ 1983Ben Curry, Warden(CTF)Dr. Khaja, Psychiatrist(CTF)Et.Al.

(Enter the full name of the defendant(s) in this action)

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each level of review. If you did not pursue a certain level of appeal, explain why.

1. Informal appeal request denied

2. First formal level request denied

3. Second formal level partially granted, central file was reviewed for history of in-cell aggression,

4. Third formal level screened out at this level, to avoid answering the merits of plaintiffs claims.

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (X) NO ( )

F. If you did not present your claim for review through the grievance procedure, explain why. not applicable

II. Parties

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

Benjamin Anderson, Prisoner I.D. K91382

P.O. Box 689, Correctional Training Facility

Soledad, Calif. 93960-0689

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

The name, title, and place of employment of each defendant is listed on the next page.

COMPLAINT

- 2 -

1 James E. Tilton, Secretary,  
2 California Department of Corrections  
3 and Rehabilitation  
4 P.O.Box 942883  
5 Sacramento,California 94283-0001  
6

7 Ben Curry, Warden  
8 Correctional Training Facility(CTF)  
9 P.O.Box686  
10 Soledad,California 93960-0686  
11

12 Dr.Khaja, Psychiatrist  
13 Correctional Training Facility(CTF)  
14 Mental Health Dept.  
15 P.O.Box686  
16 Soledad,California 93960-0686  
17

18 Defendants are represented by,  
19 Edmund G. Brown Jr. Attorney General  
20 State of California  
21 455 Golden Gate Ave. Suite 11000  
22 San Francisco,California 94102-7004  
23  
24  
25  
26  
27  
28

The name, official position, and place of employment  
of each defendant is listed on the previous page(2a)

**4 III. Statement of Claim**

5 State here as briefly as possible the facts of your case. Be sure to describe how each  
6 defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any  
7 cases or statutes. If you have more than one claim, each claim should be set forth in a separate  
8 numbered paragraph.

### **Paragraph I.**

10 Plaintiff is a member of an identifiable group of mentally  
11 impaired inmates, receiving psychotropic medications.  
12 Plaintiff requested that defendant Khaja, reduce  
13 medication amount (doseage) and temporarily assign plaintiff  
14 to a single cell, because the reaction to medication  
15 causes problems with other inmates with whom he is double  
16 celled, which leaves plaintiff defenseless and particularly  
17 vulnerable to violent attack while under prescribed  
18 medication, because he is incapable of functioning at a  
19 level sufficient to protect himself.

continued on (3a)

22 | IV. Relief

23 Your complaint cannot go forward unless you request specific relief. State briefly exactly what  
24 you want the court to do for you. Make no legal arguments; cite no cases or statutes.

**Injunctive Relief Requested**

(A.) forthwith place plaintiff(Anderson) in a single cell,  
for safety and mental health concerns, pending a  
second opinion other than defendant Khaja.

Additional relief requested on page 3(e)

**COMPLAINT**

## Statement of Claim

Paragraph I. Contd.

As a result plaintiff requested single-cell placement for safety and mental health concerns. this request has been repeatedly denied by defendant Khaja reasoning each time that,(plaintiff must first engage in agressive and combative in cell behavior against his cell-partner as a criteria to even be considered for single cell placement) Defendant Khaja has authority as a member of the mental health staff at (CTF) to reasonably accomodate plaintiffs single cell placement under the Americans with Disabilities Act(1990) 42 U.S.C. 12101-12213, but has refused to do so, which shows a **Deliberate Indifference** to the plaintiffs overall safety and mental health needs, of which he has a professional obligation, which violates the plaintiffs constitutional right to adequate mental health care, anreasonable amount of safety, and his Eighth Amendment right to be free from cruel and unusual punishment, by sanctioning what are essentially, illegal **Gladiator Fights** as a criteria to be considered for single cell placement.

Paragraph II.

James E. Tilton is Secretary, California Department of Corrections and Rehabilitation, and is responsible for the supervision, management, and control of state prisons and its employees.

Complaint

3(a)

**Statement of Claim****Paragraph II. cont.**

He is also responsible for the medical and mental health care , custody, discipline, and reasonable safety of all persons confined therein. Defendant Tilton was aware, knew or should have known, that the illegal policy of requiring mentally impaired inmates to first engage in aggressive and combative in cell behavior against thier cell- partner as a criteria to even be considered for single cell placement, would result in substantial risk of serious harm or injury to plaintiff, yet defendant Tilton failed to take reasonable measures to abate such risk when it was obvious, which shows a **Deliberate Indifference** to the plaintiffs overall safety and mental health needs, thus violating the plaintiffs constitutional right to adequate mental health care, a reasonable amount of safety, and his Eighth Amendment right to be free from cruel and unusual punishment, by sanctioning what are essentially illegal **Gladiator Fights** as a criteria to be considered for single cell placement.

**Paragraph III.**

Ben Curry is warden at Correctional Training Facility, Soledad California, and is responsible for its daily operations, supervision and management of all the institutions civilian and correctional employees.

COMPLAINT

3(b)

## Statement of Claim

Paragraph III. cont.

He is also responsible for the medical and mental health care custody, discipline, and reasonable safety of all persons confined therein. Defendant Curry was aware, knew or should have known that the illegal policy of requiring mentally impaired inmates to first engage in aggressive and combative in-cell behavior against their cell-partner as a criteria to even be considered for single cell placement, would result in substantial risk of serious harm or injury to plaintiff, yet defendant Curry failed to take reasonable measures to abate such risk when it was obvious, which shows a **Deliberate Indifference** to the plaintiffs overall safety and mental health needs, which violates the plaintiffs right to adequate mental health care, reasonable safety, and his Eighth Amendment right to be free from cruel and unusual punishment by sanctioning what are essentially illegal **Gladiator Fights** as a criteria to even be considered for single cell placement.

Paragraph IV.

Defendant Tilton in his official capacity as Secretary, California Department of Corrections and Rehabilitation, and defendant Curry, in his official capacity as warden,

**Statement of Claim**

1            Correctional Training Facility, Soledad, California were both  
2 aware, knew, or should have known that continuing to allow  
3 the pattern and practice of maintaining constitutionally  
4 deficient prisons violates the plaintiffs, and other similarly  
5 situated inmates Eighth Amendment right to be free from cruel  
6 and unusual punishment. In addition to inadequate (1) medical  
7 (2) mental health care, the overall prison conditions of severe  
8 overcrowding, (3) double celling of inmates in a structure  
9 built during post world war II, which when constructed, had  
10 a rated design capacity for single cell occupancy, falls well  
11 short of the recommended minimum of 50 sq. ft. of floor space  
12 and is not comparable for housing two inmates serving lengthy  
13 terms of imprisonment humanely, and as psychologically  
14 necessary to uphold the Eighth Amendments ban on cruel and  
15 unusual punishment. (4) inadequate lighting and (5) inadequate  
16 ventilation in cells, broken glass which exposes plaintiff and  
17 other similarly situated inmates to (6) temperatures colder  
18 than usual, during the winter months, and, (7) an inadequate  
19 amount of shower heads, (twelve total) to some (350) inmates  
20 poses an unreasonable health risk of bacteria and staph  
21 infection. Both of the defendants have knowledge of the overall  
22 prison conditions and constitutional violations, but have failed  
23 to take reasonable measures to abate such risks, which show  
24 a clear Deliberate Indifference to the plaintiffs overall  
25 safety, medical and mental health needs, which contravenes the  
26 Eighth Amendment, while acting under color of state law.  
27  
28

**COMPLAINT**

3(d)

continued from page (3)

Injunctive Relief Requested

(B) Defendants shall forthwith cease and desist, abolish the practice requiring mentally impaired inmates to first engage in combative in-cell behavior against thier cell partner, as a criteria to even be considered for single cell placement.

Declaratory Relief Requested

(C) Plaintiff wishes to enjoin the defendants from maintaining (CTF) prisons that are unsafe, and severely overcrowded, and otherwise not in compliance with the minimum standards of contemporary human decency, and the basic requirement of not less than 50 sq. ft. of floor space per inmate.

(D) Plaintiff wishes to enjoin the defendants at (CTF) from double-celling inmates in cells designed for single cell occupancy, and limit the number of inmates not to exceed the institutions rated design capacity.

COMPLAINT

3(e)

1                   Declaratory and Injunctive relief requested

2                   see, pages 3 and 3(e)

4 I declare under penalty of perjury that the foregoing is true and correct.

6 Signed this 18th day of June, 2008

7                   *Bryan Aclan*

8                   (Plaintiff's signature)

**PROOF OF SERVICE BY MAIL**

**BY PERSON IN STATE CUSTODY**

(Fed. R. Civ. P. 5, 28 U.S.C. § 1746)

I, Benjamin Anderson, declare:

I am over 18 years of age and a party to this action. I am a resident of \_\_\_\_\_

Correctional Training Facility Prison,

in the county of Monterey,

State of California. My prison address is: P.O. Box 689

Soledad, Calif. 93960-0689

On June 18, 2008  
(DATE)

I served the attached: Civil Rights Complaint pursuant to

42 U.S.C. 1983

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

**Clerk of Court**

**United States District Court**

**Northern District of California**

**450 Golden Gate Ave. P.O. Box 36060**

**San Francisco, Calif. 94102**

I declare under penalty of perjury under the laws of the United States of America that the foregoing

is true and correct.

Executed on June 18, 2008  
(DATE)

Benjamin Anderson  
(DECLARANT'S SIGNATURE)

**PROOF OF SERVICE BY MAIL**

**BY PERSON IN STATE CUSTODY**

(Fed. R. Civ. P. 5, 28 U.S.C. § 1746)

**Benjamin Anderson**

I, \_\_\_\_\_, declare:

I am over 18 years of age and a party to this action. I am a resident of \_\_\_\_\_

**Correctional Training Facility** \_\_\_\_\_ Prison,

in the county of **Monterey** \_\_\_\_\_

State of California. My prison address is: **P.O. Box 689** \_\_\_\_\_

**Soledad, Calif. 93960-0689** \_\_\_\_\_

On **June 18, 2008** \_\_\_\_\_

(DATE)

I served the attached: **Civil Rights Complaint pursuant to** \_\_\_\_\_

**42 U.S.C. 1983** \_\_\_\_\_

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

**Edmund G. Brown Jr. Attorney General**

**State of California**

**455 Golden Gate Ave. Suite 11000**

**San Francisco, Calif. 94102-7004**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **June 18, 2008** \_\_\_\_\_

(DATE)

*Benjamin Anderson*

(DECLARANT'S SIGNATURE)

United States District Court  
Northern California  
DISTRICT OF California

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

James E. Tilton

TO: (Name and Address of Defendant)

James E. Tilton, Secretary  
California Department of Corrections  
and Rehabilitation  
P.O. Box 942883  
Sacramento, Calif. 94283-0001

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. K91382  
Correctional Training Facility  
P.O. Box 689  
Soledad, Calif. 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant is represented by,  
Edmund G. Brown Jr. Attorney General  
State of California  
455 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7104

CLERK

DATE

BY DEPUTY CLERK

United States District Court  
Northern California

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

Ben Curry

TO: (Name and Address of Defendant)

Ben Curry, Warden  
Correctional Training Facility  
P.O. Box 686  
Soledad, Calif. 93960-0686

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. K91582  
Correctional Training Facility  
P.O. Box 689  
Soledad, Calif. 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant is represented by,  
Edmund G. Brown Jr. Attorney General  
State of California  
455 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7004

CLERK

DATE

BY DEPUTY CLERK

United States District Court  
Northern California  
DISTRICT OF

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

Dr. Khaja, Psychiatrist

TO: (Name and Address of Defendant)

Dr. Khaja, Mental Health Department  
Correctional Training Facility  
P.O.Box 686  
Soledad, Calif. 93960-0686

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. #K91382  
Correctional Training Facility  
P.O.Box 689  
Soledad, California 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant is represented by,

Edmund G. Brown Jr. Attorney General  
State of California  
455 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7004

CLERK

DATE

BY DEPUTY CLERK

United States District Court  
Northern California  
DISTRICT OF California

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

Tilton, Curry, Khaja

Et.Al.

TO: (Name and Address of Defendants)

Edmund G. Brown Jr. Attorney General  
State of California  
495 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7004  
For the Defendants

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. K91382  
Correctional Training Facility  
P.O. Box 689  
Soledad, Calif. 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK

DATE

BY DEPUTY CLERK

JS 44  
(Rev. 07/89)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading, or other papers, as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining statistics and for other purposes.

**I (a) PLAINTIFFS**

Benjamin Anderson

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Monterey  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Benjamin Anderson, K91382  
Correctional Training Facility  
P.O. Box 689  
Soledad, Calif.**DEFENDANT**James E. Tilton, Secretary, (CDCR)  
Ben Curry, Warden, (CTF)  
Dr. Khaja, Psychiatrist, (CTF)COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Sacramento  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

**II. BASIS OF JURISDICTION** (PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF DEF	PTF DEF
Citizen of This State	<input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> X	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> X
Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY! **42 U.S.C. 1983**, constitutionally deficient mental health care, inadequate prison conditions, deprivation of plaintiffs Eighth Amendment right to be free from cruel and unusual punishment

**V. NATURE OF SUIT** (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure or Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 446 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 810 Motions to Vacate Sentence/Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl Ret Inc Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 OWWC/DWW (405(g)) <input type="checkbox"/> 864 SSIO Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

**VI. ORIGIN**

(PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding     2 Removed from State Court     3 Remanded from Appellate Court     4 Reinstated or Reopened     5 another district (specify)     6 Multidistrict Litigation

Transferred from \_\_\_\_\_

7 Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION NO DEMAND \$ NONE  
 UNDER F.R.C.P. 23 INJUNCTIVE AND DECLARATORY

Check YES only if demanded in complaint:  
**JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S)** (See instructions):  
IF ANY                  NONE

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

June 18, 2008

SIGNATURE OF ATTORNEY OF RECORD

*Byan Ahn In Pro Se*

United States District Court  
Northern California  
DISTRICT OF

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

James E. Tilton

TO: (Name and Address of Defendant)

James E. Tilton, Secretary  
California Department of Corrections  
and Rehabilitation  
P.O. Box 942883  
Sacramento, Calif. 94283-0001

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. K91382  
Correctional Training Facility  
P.O. Box 689  
Soledad, Calif. 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant is represented by,  
Edmund G. Brown Jr. Attorney General  
State of California  
455 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7104

CLERK

DATE

BY DEPUTY CLERK

United States District Court  
Northern DISTRICT OF California

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

Ben Curry

TO: (Name and Address of Defendant)

Ben Curry, Warden  
Correctional Training Facility  
P.O. Box 686  
Soledad, Calif. 93960-0686

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. K915B2  
Correctional Training Facility  
P.O. Box 689  
Soledad, Calif. 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant is represented by,  
Edmund G. Brown Jr. Attorney General  
State of California  
455 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7004

CLERK

DATE

BY DEPUTY CLERK

United States District Court  
Northern California  
DISTRICT OF

Benjamin Anderson

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER:

Dr. Khaja, Psychiatrist

TO: (Name and Address of Defendant)

Dr. Khaja, Mental Health Department  
Correctional Training Facility  
P.O. Box 686  
Soledad, Calif. 93960-0686

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Benjamin Anderson, Prisoner I.D. #K 913 82  
Correctional Training Facility  
P.O. Box 689  
Soledad, California 93960-0689  
In Pro Se

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Defendant is represented by.

Edmund G. Brown Jr. Attorney General  
State of California  
435 Golden Gate Ave. Suite 11000  
San Francisco, Calif. 94102-7004

CLERK

DATE

BY DEPUTY CLERK

**PROOF OF SERVICE BY MAIL**

**BY PERSON IN STATE CUSTODY**

(Fed. R. Civ. P. 5, 28 U.S.C. § 1746)

**Benjamin Anderson**

, declare:

I am over 18 years of age and a party to this action. I am a resident of \_\_\_\_\_

**Correctional Training Facility** Prison,

in the county of **Monterey**

State of California. My prison address is: **P.O. Box 689**

**Soledad, Calif. 93960-0689**

On **June 18, 2008**

(DATE)

I served the attached: **Civil Rights Complaint pursuant to**

**42 U.S.C. 1983**

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

**Edmund G. Brown Jr. Attorney General**

**State of California**

**455 Golden Gate Ave. Suite 11000**

**San Francisco, Calif. 94102-7004**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **June 18, 2008**

(DATE)

  
(DECLARANT'S SIGNATURE)

To. The Clerk of Court

U.S. District Court

Northern District of California

From. Benjamin Anderson K91~~38~~2

Correctional Training Facility

P.O. Box 689

Soledad, Calif. 93960

Dear Sir, or Madam,

I have enclosed copies of the complaint and summons to be served upon each of the defendants and thier attorney. I would also like to request a filed stamped, conformed copy of the complaint for my records.

Thank-you for your assistance in this extremely important matter.

Sincerely Yours

*Benjamin Anderson*

15. HENDERSON ~ 71700  
C-1182

P. O. Box 689  
Soledad, Calif. 93960



RJ

EL  
CLERK  
NORTHERN

Clerk of Court  
United States District Court  
Northern District of California

4150 Golden Gate Ave.  
P.O. Box 36060  
San Francisco, California

94102